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A10 NETWORKS, INC. and Defendants LEE CHEN,
RAJKUMAR JALAN, RON SZETO,
8 and STEVE HWANG
9 (Additional counsel listed on signature page.)
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 BROCADE COMMUNICATIONS SYSTEMS,
INC., a Delaware corporation; and FOUNDRY
15 NETWORKS, LLC, a Delaware limited liability
company,

16 Plaintiffs,

17 v.

18 A10 NETWORKS, INC., et al.

19 Defendants.
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23 A10 NETWORKS, INC., a California corporation

24 Counterclaimant,

25 v.

26 BROCADE COMMUNICATIONS SYSTEMS,
INC., a Delaware corporation; and FOUNDRY
27 NETWORKS, LLC, a Delaware limited liability
company,
28

Counterclaim Defendants.

CASE NO. 5:10-cv-03428-LHK

**DECLARATION OF SCOTT R.
MOSKO IN SUPPORT OF
DEFENDANT AND
COUNTERCLAIMANT A10
NETWORKS, INC.'S AND
DEFENDANTS LEE CHEN,
RAJKUMAR JALAN, RON SZETO,
AND STEVE HWANG'S RESPONSE
TO PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT OF
NONINFRINGEMENT OF
U.S. PATENT NO. 5,875,185 AND
MOTION PURSUANT TO RULE 56(d)**

Judge: Honorable Lucy H. Koh

1 I, Scott R. Mosko, declare as follows:

2 1. I am an attorney licensed to practice before this Court and all courts of the State of
3 California, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.
4 (“Finnegan”), counsel of record for Defendant and Counterclaim-Plaintiff A10 Networks, Inc.,
5 (“A10”) and for Defendants Lee Chen, Rajkumar Jalan, Ron Szeto, and Steve Hwang (collectively,
6 “Defendants”) in the above-entitled action. I submit this Declaration in support of Defendants’
7 **RESPONSE TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT OF**
8 **NONINFRINGEMENT OF U.S. PATENT NO. 5,875,185 AND MOTION PURSUANT TO**
9 **RULE 56(d).** I have personal knowledge of the facts contained in this Declaration, and if called
10 upon to do so, I could and would testify competently thereto.

11 2. On January 26, 2011, A10 served its initial set of Document Requests on Brocade
12 Communications Systems, Inc. and Foundry Networks, LLC. (“Brocade”). A true and correct copy
13 of these Document Requests is attached as Exhibit A to this declaration.

14 3. Brocade has made a number of productions in this case. On October 19, 2011 after
15 its most recent production on October 11, 2011, Brocade stated “we believe our document
16 production is substantially complete.” Attached as Exhibit B is a true and correct copy of an email
17 correspondence from Denise M. Mingrone to Scott R. Mosko in which the above quotation is found.
18 The number of documents produced and the dates of those productions are as follows:

PRODUCTION DATE	ACTUAL PAGES PRODUCED
4/7	11,990
5/23	88,536
6/13	47,412
6/23	331,740
6/30	390,178
7/19	162,214
7/25	35,548
8/3	1,720

PRODUCTION DATE	ACTUAL PAGES PRODUCED
8/11	222
8/19	43
9/14	768,387
9/16	494,782
9/19	1,352,840
9/20 (1st Production)	230,926
9/20 (2nd Production)	309,644
9/27	1,000,043
10/6	551,444
10/11	1,508,174

4. On behalf of A10, I have attended several conferences with counsel for Brocade. During several of these conferences, A10 has proposed that the parties agree to a date by which their document production would be complete. Brocade finally committed to completing its production by the middle of September. As shown in the above chart, Brocade failed to meet its commitment.

5. Attached as Exhibit C are true and correct copies of a portion of the transcript from the initial Case Management Conference.

6. Attached as Exhibit D is a true and correct copy of a document entitled **Brocade Mobility Wireless LAN (WLAN) Product Family Frequently Asked Questions**.

7. Attached as Exhibit E is a true and correct copy of a document entitled **Brocade Mobility RFS4000, RFS6000 and RFS7000 - System Reference Guide**.

8. Attached as Exhibit F is a true and correct copy of a document entitled **Brocade IP Network Infrastructure Services Overview**.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was executed on November 8, 2011, at Palo Alto,
3 California.

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5 _____
6 /s/ Scott R. Mosko

7 Scott R. Mosko

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